

UNITED STATE DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GETRONICSWANG CO., LLC,
Plaintiff,

v.

HYNIX SEMICONDUCTOR, INC., and
SAMSUNG ELECTRONICS CO., LTD.,
Defendants.

Civil Action No. 04-12382 (RCL)

**ASSENTED-TO MOTION BY DEFENDANTS FOR LEAVE TO FILE A REPLY BRIEF
AND AFFIDAVIT IN FURTHER SUPPORT OF THEIR SUMMARY JUDGMENT**

Defendants Hynix Semiconductor, Inc. (“Hynix”) and Samsung Electronics Co., Ltd. (“Samsung”) move, pursuant to Local Rule 7.1(B)(3), for leave to file (i) Reply Memorandum of Defendants in Support of Their Motion for Summary Judgment; and (ii) Second Affidavit of Bruce S. Barnett in Support of Defendants’ Motion for Summary Judgment, copies of which are attached. Plaintiff GetronicsWang, Co., LLC (“Wang”) has assented to this motion.

As grounds for this motion, the defendants state that the brief and affidavit they seek to submit will assist the Court in considering the pending cross-motions for summary judgment for several reasons:

- First, the defendants seek to present the Court with a complete description of the law and relevant facts regarding Wang’s argument, made in its opposition brief, as to why the statute of limitations does not apply to its claim. Because Wang had not presented any statute of limitations argument in support of its motion for summary judgment, the defendants were unable to respond in their opposition to Wang’s motion.
- Second, the defendants seek to address Wang’s mischaracterization of their position as an affirmative defense and the erroneous burden-shifting for which Wang argues.

- Third, the defendants' proposed reply brief demonstrates that statements Wang cites on the nature of the Competent Authority Proceeding were made by someone Wang acknowledges had no involvement in the proceeding.
- Finally, the defendants explain why the Court need not determine whether a Korean Supreme Court case relied on by Wang applies to the royalty payments at issue in this case, as argued by Wang in its opposition.

WHEREFORE, defendants request that the Court grant their motion for leave to file a reply brief and supporting affidavit. Copies of the proposed reply brief and affidavit are submitted herewith.

Respectfully submitted,

HYNIX SEMICONDUCTOR, INC. and
SAMSUNG ELECTRONICS CO., LTD.,

By their attorneys,

/s/ Robert P. Sherman

Robert P. Sherman (BBO #458540)
Bruce S. Barnett (BBO#647666)
DLA Piper Rudnick Gray Cary US LLP
One International Place
Boston, MA 02110
617-406-6000

Dated: February 17, 2006.